

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCISCO ZAMBRANO & JAMIE HUAYLLASACA,

Plaintiffs,

-against-

JERMYN CONTRACTING CORP., GOLIATH
CONSTRUCTION, INC., MEADOWBROOK
BUILDERS, INC., MEADOWBROOK BUILDERS AND
REMODELING CORP., PETER GLASS in his individual
Capacity and as Officer of JERMYN CONTRACTING
CORP., as Officer of GOLIATH CONSTRUCTION, INC.
as Officer of MEADOWBROOK BUILDERS, INC. and
as Officer of MEADOWBROOK BUILDERS AND
REMODELING CORP.,

AMENDED
ORDER

No. 22-CV-3131 (CS) (JCM)

Defendants.

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Seibel, J.

Before the Court is the Report and Recommendation of Magistrate Judge Judith C. McCarthy regarding the damages due Plaintiffs upon Defendants' default in this case under the Fair Labor Standards Act, 29 U.S.C. §§ 206, *et seq.*, and the New York Labor Law §§ 650, *et seq.* (ECF No. 45 (the "R&R")). No objections to the R&R have been received, and I therefore review it for clear error. *See Lewis v. Zon*, 573 F.Supp.2d 804, 811 (S.D.N.Y.2008); *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y.1985); Fed. R. Civ. P. 72 advisory committee's note (b). Finding no error, clear or otherwise, I adopt the R&R as the decision of the Court.

The Clerk of Court is respectfully directed to enter judgment against the Defendants, jointly and severally, in the total amount of \$175,555.37, as follows, and then close the case:

1. Unpaid overtime to Zambrano in the amount of \$23,280.00;
2. Unpaid overtime to Huayllasaca in the amount of 39,600.00;
3. Liquidated Damages to Zambrano in the amount of \$23,280.00;
4. Liquidated Damages to Huayllasaca in the amount of 39,600.00;
5. Prejudgment interest to Zambrano in the amount of \$8,013.04;
6. Prejudgment interest to Huayllasaca in the amount of \$18,085.28;
7. Statutory damages for wage statement violations to Zambrano in the amount of \$10,000.00;
8. Statutory damages for wage statement violations to Huayllasaca in the amount of \$5,000.00;
9. Attorney's fees in the amount of \$7,441.00; and
10. Costs in the amount of 1,256.05.

If any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent. N.Y. Lab. L. § 198(4).

SO ORDERED.

Dated: September 26, 2023
White Plains, New York



CATHY SEIBEL, U.S.D.J.